
OLR Bill Analysis

HB 6432

AN ACT CONCERNING HOMEMAKER SERVICES AND HOMEMAKER COMPANION AGENCIES.

SUMMARY:

This bill brings homemaker-companion agencies, registries, and homemaker-home health aide agencies under the unemployment compensation, wage, and workers' compensation laws. It designates the agencies and registries as the employers of the individuals they provide for homemaker, companion, and homemaker-home health aide services, making the agencies and registries responsible for meeting an employer's obligations under these laws (e.g. paying unemployment taxes, meeting minimum and overtime wage requirements, and obtaining workers' compensation insurance). Under current law, a consumer receiving these services could be required to meet these obligations as the employer of the, companion, or homemaker-health aide.

The bill also provides an employer's liability protection under workers' compensation law to the consumer receiving homemaker, companion, or homemaker-home health aide services from the agencies and registries.

EFFECTIVE DATE: January 1, 2014

HOMEMAKER AND COMPANION SERVICES

Under existing law and the bill, homemaker services are nonmedical, supportive services that ensure a safe and healthy environment in a person's home (e.g., assistance with personal hygiene, cooking, or household chores). Companion services are nonmedical, basic supervision services to ensure a person's well-being and safety in his or her home.

Homemaker-companion agencies are public or private businesses that provide homemaker or companion services. Registries are businesses that supply or refer homemakers or companions to a consumer who (1) partially or totally compensates the homemaker or companion directly or (2) treats, refers to, or considers the homemaker or companion as an independent contractor.

HOMEMAKER HEALTH AIDE SERVICES

Under existing law and the bill, homemaker health aide services are in-home supportive services similar to homemaker services, but provided under a registered nurse's supervision. Homemaker-home health aide agencies are public or private organizations that provide homemaker-home health aide services. They do not include home health care agencies, which provide professional nursing services available 24 hours per day.

WORKERS' COMPENSATION LIABILITY

The bill requires homemaker-companion agencies, registries, and homemaker-home health aide agencies to provide workers' compensation insurance coverage for the individuals they provide to consumers, regardless of how many hours the person works (current law exempts people who work less than 26 hours in a private dwelling from workers' compensation coverage).

By law, an employee cannot sue his or her employer over a work-related injury if the employer maintained workers' compensation insurance for the employee. The bill provides this liability protection to a consumer receiving homemaker, companion, or homemaker-home health aide services from an agency or registry. It also extends this protection, including liability for third-party suits, to the consumer's (1) immediate family or household, (2) probate court appointed conservator, and (3) legally authorized medical or personal care decision maker. It is unclear if the agency or registry also receives this liability protection for providing workers' compensation insurance for the homemaker, companion, or homemaker-home health aide.

BACKGROUND

Related Bill

SB 518, reported favorably by the Aging Committee and Labor and Public Employees Committee, establishes a task force to study if homemaker-companion registries should be required to pay for unemployment insurance and workers' compensation insurance for the homemaker-companions they provide to consumers.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 6 Nay 4 (03/19/2013)